

FOIA Activity for the Week of April 1 - 7, 2011

Privacy Office

April 11, 2011

Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On March 24, 2011, United States Citizenship and Immigration Services (USCIS) posted an interim memorandum entitled "Supplemental Guidance to USCIS Service Centers on Adam Walsh Act Adjudication - Centralization of Identified Adam Walsh Act Related Petitions at the Vermont Service Center for Adjudication and Review (*AFM* Update AD11-23)" on its public website for stakeholder review and comment. This memorandum provides guidance to USCIS service centers regarding changes in the handling of all stand-alone I-130 and I-129F petitions filed by petitioners who have been convicted of any "specified offense against a minor" under the Adam Walsh Child Protection and Safety Act of 2006 ("Adam Walsh Act" or "AWA") and related issues. This memorandum applies only to petitions that are adjudicated at the service centers and not to petitions adjudicated at USCIS field offices. The period for comment ends April 7, 2011.

II. FOIA Requests

- On April 4, 2011, **Lucy Dalglish**, Executive Director and Publisher with **The New Media and The Law** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all FOIA requests received by DHS covering the period ranging from January 20, 2009 through the present that were deemed "significant FOIA requests" by agency personnel pursuant to standards developed in 2005 (as described on page 3 of Mary Ellen Callahan's March 31, 2011 written statement before the U. S. House of Representatives Committee on Oversight and Government Reform ("Statement") along with any and all "summary" records related to such significant requests as referred to on page 6 of the Statement. (Case Number DHS/OS/PRIV 11-0669).
- On April 7, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all reports of significant FOIA activity received from all DHS component FOIA offices by the DHS Privacy Office in March of 2011. (Case Number DHS/OS/PRIV 11-0687).
- On April 7, 2011, **Laura Strickler**, a journalist with **CBS News** in Washington, DC, requested from the Department of Homeland Security (DHS) all Weekly Cabinet Reports to the White House from October 1, 2010 through April 6, 2011. (Case Number DHS/OS/PRIV 11-0682).
- On April 7, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland

Security (DHS) all Weekly Cabinet Report to White House weekly reports created from January 27, 2011 through the date this request is processed. (Case Number DHS/OS/PRIV 11-0688).

- On April 7, 2011, **Scott MacFarlane**, a reporter with **COX TV** in Washington, DC, requested from the Department of Homeland Security (DHS) all weekly Cabinet reports to The White House from December 20, 2009 thru April 6, 2011. (Case Number DHS/OS/PRIV 11-0673).
- On April 4, 2011, **Erin Maskell**, a reporter with the **National Security Archive** at The George Washington University in Washington, DC, requested from U.S. Customs and Border Protection (CBP) all documents relating to an individual during the time he was located in Florida from March 12, 2005 through May 17, 2005. (Case Number CBP FOIA 2011F08934).
- On April 4, 2011, (b)(6) an individual in Costa Mesa, California, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) all correspondence from March or April 2008 from herself to several other employees, which reference the (b)(6) MSPB decision; and 2) documentation of any actions taken as a result of that email, including investigations. (Case Number (b)(6)).
- On April 5, 2011, **Paul Gottlieb**, a Special Projects Reporter with the **Peninsula Daily News** in Port Angeles, Washington, requested from the United States Coast Guard (USCG) the investigative report on the crash of the MH-60 Jayhawk rescue helicopter off James Island on July 7, 2010. (Case Number 2011FOIA2086).
- On April 5, 2011, **Elaine Povich**, a reporter with **The Fiscal Times** in Laurel, Maryland, requested from the Office of Inspector General (OIG) the identities of the towns, cities, and urban areas mentioned in two OIG reports: #OIG-11-44, entitled "The State of Texas' Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008;" and #OIG-11-46, entitled "The State of California's Management of Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008." (Case Number OIG FOIA #2011-098).
- On April 6, 2011, **Chuck Bennett**, a reporter with **The New York Post** in New York, New York, requested from U.S. Customs and Border Protection (CBP) the following records: 1) documents that discuss the gross total numbers of seizures year by year from 2007 to year to date; 2) documents that discuss the domestic value year by year of seized goods (based on CBP or industry estimates, compiled by CBP); 3) documents that specify the types/makes/models of parts seized; 4) documents that specify "rights infringed" upon; and 5) documents that specify which ports and/or regional/field offices where the seizures occurred. (Case Number CBP FOIA 2011F08959).
- On April 6, 2011, (b)(6) in Saint Paul, Minnesota, requested from the Department of Homeland

Security (DHS) a copy of the following records: 1) correspondence relating to the U.S. Coast Guard (USCG) FOIA request number 2010-2784; 2) correspondence relating to FOIA requests about any contracts between the DHS (or any of its components) and Talon Security, or any company with a substantially similar name; 3) correspondence relating to FOIA requester (b)(6); 4) correspondence relating to FOIA requester (b)(6); and 5) any intra-agency correspondence between any staff member of the DHS and any staff member of the USCG that relates to items 1-4, above. (Case Number DHS/OS/PRIV 11-0674).

- On April 6, 2011, **Andrew Glazer**, a producer with *Dan Rather Reports* in New York, New York, requested from U.S. Customs and Border Protection (CBP) copies of all records related to the April 18, 2010, detention of an individual near Indio, California. (Case Number CBP FOIA 2011F08956).
- On April 6, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of the DHS Office of Intelligence and Analysis (I&A) organizational chart. (Case Number DHS/OS/PRIV 11-0680).
- On April 7, 2011, **Philip Halin**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) records of communication between DHS and the office of Congressman Peter King (R-NY-3) including but not limited to emails, letters, or other communication to and from Congressman Peter King (R-NY-3) or any member of his staff. (Case Number DHS/OS/PRIV 11-0681).
- On April 6, 2011, **Carolyn Thompson**, a correspondent with *The Associated Press* in Buffalo, New York, requested from U.S. Customs and Border Protection (CBP) copies of statistics on human smuggling arrests along the northern border from 2001 through 2010, including location (port of entry, sector), also whether they were on foot or by vehicle. (Case Number CBP FOIA 2011F08955).

Late Requests

- On March 9, 2011, **Smruti Govan**, a Research Intern with **Amnesty International USA** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) the total number of family-sponsored and employment based immigrant visa applications from Mexicans for 2010 that are pending; 2) the total number of those applications that were granted; and 3) the total number of applications for employment-based adjustment of status under INA 245 that are still pending from Mexico. (Case Number COW2011000253).
- On March 14, 2011, **Mike Mollen**, a Researcher with the **Democratic Senatorial Campaign Committee**, in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) all

correspondence and other information exchanged between USCIS and U.S. Representative Dennis Rehberg (R-MT). (Case Number NRC2011034995).

- On March 21, 2011, **Deborah Patterson**, a representative of **Thomson Reuters** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) the California Service Center Administrative Appeals Order dated March 11, 2003, that was referenced in WAC0128353346. (Case Number COW2011000248).
- On March 21, 2011, **Michael Ray**, a lawyer in Miami, Florida, requested from United States Citizenship and Immigration Services (USCIS) on behalf of his client **The Haitian-American Grassroots Coalition** records relating to requests for Temporary Protected Status by Haitians. (Case Number COW2011000260).
- On March 23, 2011, **Adam Rosen**, a lawyer with the **Murphy Law Firm**, in Owings Mills, Maryland, requested from United States Citizenship and Immigration Services (USCIS) a copy of all documents that were created in whole or in part by USCIS that were issued in whole or in part pursuant to satisfy Section 428 of the Homeland Security Act of 2002. (Case Number COW2011000254).
- On March 30, 2011, **Jordy Yager**, a reporter with **The Hill** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) a complete log of all travel undertaken by the DHS Secretary Janet Napolitano from January 21, 2009 thru March 23, 2011; and 2) a complete log of all travel undertaken by DHS Deputy Secretary Jane Holl Lute from January 21, 2009 thru March 23, 2011. (Case Number DHS/OS/PRIV 11-0659).

III. FOIA Releases

- On April 1, 2011, the Federal Emergency Management Agency (FEMA) released to **Sean Cairncross**, Chief Counsel with the **National Republican Senatorial Committee** in Washington, DC, 3 pages of records, which include correspondence to President George W. Bush requesting declaration of a major disaster for the State of Indiana. These records were released in full. (Case Number DHS/OS/PRIV 10-0724 and FEMA 10-568).
- On April 1, 2011, the Science and Technology (S&T) Directorate released to **Chetanand Sewaraz**, an individual in Youngstown, Ohio, 55 pages of responsive records to his request seeking a copy of all records in the possession of the FBI concerning or making reference to his name. Portions of this response are withheld pursuant to FOIA exemption (b)(7)(c). (Case Number FBI/PA #115317-000, DHS/OS/PRIV 11-0550, and S&T 11-0003.14).
- On April 4, 2011, the Office of Inspector General (OIG) released to **Bob Cusack**, a reporter with **The Hill** in Washington, DC, 6 pages of OIG FOIA logs. Portions of this response are withheld pursuant to FOIA exemption (b)(6). (Case Number 2011-088).

- On April 6, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with ***The Atlanta Journal-Constitution*** in Atlanta, Georgia, 89 pages of records, which includes copies of inspection reports and reviews. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA4264).
- On April 7, 2011, the U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, 100 pages of documents and three spreadsheets responsive to her request seeking copies of records regarding immigration case dismissals and prosecutorial guidance from ICE Offices within Houston, Texas between June 1, 2010 and the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number 2011FOIA0324).
- On April 7, 2011, the Department of Homeland Security (DHS) released to **Erin Maskell**, an intern with the **National Security Archive** in Washington, DC, 9 pages of responsive records comprised of congressional correspondence and emails. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0412).

IV. FOIA Appeals

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V. FOIA Appeal Releases and Determinations

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VI. Lawsuits

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FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 8 - 14, 2011
Privacy Office
April 18, 2011
Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On April 6, 2011, United States Citizenship and Immigration Services (USCIS) International Operations Division and the Office of Public Engagement invited stakeholders to participate in a meeting in which USCIS presented findings of a recent interagency site visit to Addis Ababa to review Ethiopian adoptions. The meeting invitation and presentation has been posted on USCIS.gov.
 - On April 7, 2011, United States Citizenship and Immigration Services (USCIS) Office of Public Engagement hosted an engagement with the American Immigration Lawyers Association (AILA), the Office of Chief Counsel and other relevant program offices/directorates. USCIS discussed issues related to the adjudication of immigration benefits and other concerns posed by AILA members. A Questions and Answers page has been posted on USCIS.gov.
 - On April 8, 2011, United States Citizenship and Immigration Services (USCIS) Office of Transformation Coordination and the Office of Public Engagement invited stakeholders to participate in a session regarding mandatory electronic filing of applications and petitions for immigration benefits. The meeting invitation and agenda have been posted on USCIS.gov.
 - On April 8, 2011, United States Citizenship and Immigration Services (USCIS) announced it continues to accept H-1B nonimmigrant petitions that are subject to the fiscal year (FY) 2012 cap. The agency began accepting these petitions on April 1, 2011. USCIS is monitoring the number of petitions received that count toward the congressionally mandated annual H-1B cap of 65,000 and the 20,000 U.S. Master's degree or higher cap exemption; approximately 5,900 H-1B petitions counting toward the 65,000 cap, and approximately 4,500 petitions toward the 20,000 cap exemption for individuals with advanced degrees have been received.
- II. FOIA Requests**
- On April 12, 2011, the United States Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Annie Weismann**, Chief Counsel with **Citizens for Responsibility and Ethics in Washington** and **Damon Mogien**, Global warming Director with **Greenpeace** in Washington, DC, seeking the following records: 1) copies of any and all video feeds that capture in

whole or in part any aspect of the British Petroleum (BP) Deepwater Horizon Oil Spill in the Gulf of Mexico (BP Oil Spill), including but not limited to the ongoing live video feed of the BP Oil Spill provided by BP, as referenced in Brian Ross "BP Releases Oil Spill Video After Pressure" From White House and Media, ABC News May 12, 2010, available at <http://abcnews.go.com/IBlotter/bp-releasees-oil-spill-video-pressure-white-house/story?id=10629165>; and 2) all documents that mention, refer, or relate to NOAA communications concerning the use of dispersants in the course of any efforts to mitigate or clean up the **BP Oil Spill**, including but not limited to, all internal NOAA communications as well as all communications to, by, or from NOAA to the EPA, the Dept of Interior, BP, Halliburton, or Transocean regarding the use of dispersants in the course of any efforts to mitigate or clean up the BP Oil Spill. (Case Number DHS/OS/PRIV 11-0714).

- On April 8, 2011, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from the Office of Inspector General (OIG) a statistical breakdown, by FY, state, and agency of all criminal investigations related to U.S. Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE) from 2003 to present, including a breakdown of investigations leading to arrests, indictments, and convictions. Additionally, Mr. Becker seeks statistical breakdowns as described above for all CBP, USCIS, and ICE corruption-related criminal investigations. (Case Number OIG FOIA #2011-100).
- On April 8, 2011, **Paul Hampel**, a reporter with the **St. Louis Post-Dispatch** in St. Louis, Missouri, requested from the Office of Inspector General (OIG) the following records: 1) the identity of the engineer DHS-OIG hired to inspect the University City, Missouri, fire station on December 15, 2010, for OIG audit report #OIG-11-52, entitled "Actions Taken by the Federal Emergency Management Agency in Response to an Allegation Concerning the Application for a Station Construction Grant Submitted by the University City, Missouri, Fire Department;" 2) records of all payments from DHS-OIG to the engineer for the inspection and any subsequent work related to the inspection; and 3) the report or any work product that the engineer produced related to the inspection. (Case Number OIG FOIA #2011-102).
- On April 8, 2011, **Lori Pruett**, with **Vatterott, Harris, Devine & Kwentus, P.C.** in Maryland Heights, Missouri, requested from the Department of Homeland Security (DHS) a copy of the engineer's report mentioned on page 2 of the OIG audit report #OIG-11-52, entitled "Actions Taken by the Federal Emergency Management Agency in Response to an Allegation Concerning the Application for a Station Construction Grant Submitted by the University City, Missouri, Fire Department." (Case Number DHS/OS/PRIV 11-0703).
- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland

Security (DHS) copies of “Chief Intelligence Officer Notes” issued in March 2011. (Case Number DHS/OS/PRIV 11-0707).

- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all contributions made by the Office of Intelligence and Analysis (OI&A) in March 2011 for consideration in the President’s Daily Brief. (Case Number DHS/OS/PRIV 11-0708).
- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) copies of the FOIA Logs from FY 2010 and FY 2011. (DHS/OS/PRIV Case Number 11-0709).
- On April 12, 2011, **Christopher Zealand**, a research attorney with the **National Rifle Association of America (NRA)** in Fairfax, Virginia, requested from the Department of Homeland Security (DHS) the following records: 1) any correspondence, memoranda, or other documents in any form, including those in electronic and/or voice form, referring to possible gun control measures in Clinton, Iowa; 2) any correspondence, memoranda, or other documents in any form, including those in electronic and/or voice form, referring to the effect of federal law or regulation on a political subdivision's ability to enact or enforce gun control measures; 3) any Freedom of Information Act (FOIA) requests received by DHS concerning any of the above subject matters. (Case Number DHS/OS/PRIV 11-0710).
- On April 13, 2011, the Office of the Director of National Intelligence (ODNI) referred to the Department of Homeland Security (DHS) documents responsive to a request from **David Perera**, a reporter with **FierceGovernmentIT** in Washington, DC, seeking copies of the self-assessment questionnaire sent by PM-ISE to 72 fusion centers used to access the fusions centers’ current operations against baseline capabilities. (Case Number DHS/OS/PRIV 11-0718).

Late Requests

- On April 4, 2011, **Peter Duffy**, a freelance journalist in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) records pertaining to Hermann W. Lang, a (now deceased) naturalized citizen who subsequently was convicted of espionage. (Case Number COW2011000301).
- On April 5, 2011, **Zorah Samizay**, an individual in Stamford, Connecticut, requested from United States Citizenship and Immigration Services (USCIS) the name and position of the Department of Homeland Security (DHS) staff member who interviewed an individual in Beirut, Lebanon between October 1, 2010 and November 31, 2010 regarding Special Immigrant Visa applications. (Case Number COW2011000310).
- On April 7, 2011, the Federal Bureau of Investigation (FBI) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Jordan Goodman**, a Professor and Honorary Research

Associate with the **Department of Science and Technology Studies, University College London** in London, England, seeking the FBI files on Max Yergan. (Case Number DHS/OS/PRIV 11-0691).

- On April 7, 2011, **Nate Jones**, FOIA Coordinator with the **National Security Archive** at George Washington University in Washington, DC, requested from the Department of Homeland Security (DHS) any materials pertaining to the October 22, 1983 hostage situation in Augusta, Georgia, involving at least two Presidential staffers during President Reagan's golfing trip. (Case Number DHS/OS/PRIV 11-0690).
- On April 7, 2011, **Sarnata Reynolds**, Director of Policy and Advocacy, Refugee and Migrants Rights Program, **Amnesty International USA** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all records referencing or detailing any complaint or investigation into CBPs actions involving [sic] members of the Tohono O'odham Nation. (Case Number DHS/OS/PRIV 11-0700).

III. FOIA Releases

- On April 11, 2011, the Federal Emergency Management Agency (FEMA) released to **Salvador Sarmiento**, a Legal Associate with the **RFK Center for Justice and Human Rights** in Washington, DC, two excel spreadsheets, which contain 2008 declarations for CFO Financial Information Tool and Hurricane Supplemental Obligations and Outlays. These records were released in full. (Case Number FEMA 10-513).
- On April 13, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with **Witness Unto Me** in Topock, Arizona, 55 pages of documents, which comprise Barack Hussein Obama, Senior's Alien file. Portions of this response are being withheld pursuant to FOIA Exemption (b)(6). (Case Number HQS2010000119).
- On April 13, 2011, U.S. Citizenship and Immigration and Services (USCIS) released to **Audrey Dorelien** with the Office of Population Research, Wallace Hall, **Princeton University** in Princeton, New Jersey, 51 pages of documents responsive to her request for records pertaining to Temporary Protected Status because of natural disasters for several countries. These records were released in full. (Case Number COW2011000225).
- On April 14, 2011, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Gregory Korte**, a reporter with **USA Today** in Washington, DC, 45 pages responsive to his request seeking copies of contingency plans, guidance, or correspondence with the Office of Management and Budget regarding preparations for a government shutdown. These records were released in full. (Case Number MGMT 11-89).
- On April 14, 2011, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Lisa Lerer**, a reporter with **Bloomberg News** in Washington, DC, 68 pages responsive to her request seeking copies of memos and papers related to the contingency planning

for a potential government shutdown. These records were released in full. (Case Number MGMT 11-73/Lerer).

IV. FOIA Appeals

- On March 30, 2011, **Matthew Kownacki**, a researcher with **Judicial Watch**, in Washington, DC, appealed the response from U.S. Customs and Border Protection (CBP) to his request for: 1) a copy of the Firearms and Use of Force Handbook utilized by Customs and Border Protection on December 14, 2010; and 2) a copy of any amended version of the Firearms and Use of Force Handbook, if changed since December 14, 2010.

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Dany Rojas-Vega v. United States Citizenship and Immigration Services, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Eric H. Holder, Jr., United States Attorney General is joined as indispensable party*, (09-CV-2489-BEN), Plaintiff filed a complaint March 17, 2011, claiming the agency improperly withheld from the Plaintiff releasable information in his file.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 15 - 21, 2011
Privacy Office
April 25, 2011
Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On April 5, 2011, U.S. Immigration and Customs Enforcement posted to its FOIA Library the list of all detainee deaths from October 2003 through March 31, 2011, available from <http://www.ice.gov/doclib/foia/reports/detaineddeaths2003-present.pdf>.
 - On April 12, 2011, United States Citizenship and Immigration Services (USCIS) Asylum Division held their quarterly stakeholder meeting to discuss issues regarding asylum operations. A Questions and Answers sheet will be available on USCIS's website at a later time.
 - On April 13, 2011, United States Citizenship and Immigration Services (USCIS) Director Mayorkas hosted a public engagement meeting to discuss the broader issues of importance to the arts, entertainment, and modeling industries in the "O" and "P" nonimmigrant classifications. A detailed executive summary of the engagement will be available on USCIS's website at a later time.
 - On April 14, 2011, United States Citizenship and Immigration Services (USCIS) invited interested parties to participate in a stakeholder engagement meeting regarding the unauthorized practice of immigration law and building the capacity of immigration service providers. A detailed executive summary of the engagement will be available on USCIS's website at a later time.
 - On April 14, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that a final rule that adopts, without change, an interim rule to improve the integrity of the Employment Eligibility Verification (Form I-9) process. USCIS received approximately 75 public comments in response to the interim rule, which has been in effect since April 3, 2009. The main changes made by the interim rule and adopted by the final rule include prohibiting employers from accepting expired documents; revising the list of acceptable documents by removing outdated documents and making technical amendments; and adding documentation applicable to certain citizens of the Federated States of Micronesia and the Republic of the Marshall Islands. The final rule will be published in the Federal Register on April 15 and will be available at www.uscis.gov. The final rule will be effective on May 16, 2011.

II. FOIA Requests

- On April 15, 2011, **Josh Gerstein**, a reporter with **Politico** in Alexandria, Virginia, requested from the United States Coast Guard (USCG) all records pertaining to the organization Vietnam Veterans Against the War (VVAW). (Case Number 2011FOIA2221).
- On April 15, 2011, **Christina Poulos**, an individual in Costa Mesa, California, requested from the United States Citizenship and Immigration Services (USCIS) all emails between several individuals in the USCIS Service Center Operations regarding or mentioning the President Obama's 2009 presidential campaign, the presidential campaigns, conventions, or voting between March 2008 and March 2009. (Case Number HQS2011000063).
- On April 18, 2011, **Christina Poulos**, an individual in Costa Mesa, California, requested from the United States Citizenship and Immigration Services (USCIS) all documents and correspondence between and among high-ranking USCIS officials regarding a Los Angeles Times article dated August 10, 2010, authored by Teresa Watanabe. (Case Number HQS2011000066).
- On April 18, 2011, **Lise Olsen**, a reporter with **The Houston Chronicle** in Houston, Texas, requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) an electronic copy of the number of affirmative asylum applications for Mexican nationals for the years 2005-2010 with subtotals for those residing in Arizona, California, New Mexico and Texas; 2) the number of applications for trader/investor visas for Mexican nationals for 2005-2010 with subtotals for those residing in Arizona, California, New Mexico and Texas; and 3) the number of Texas asylum seekers and trade/investor visa applicants who applied from or intended to reside in El Paso, Houston, San Antonio, Laredo, McAllen and Dallas for 2005 - 2010. (Case Number COW2011000322).
- On April 18, 2011, **Sarah Henkel**, a legal assistant with the **South Texas Civil Rights Project** in San Juan, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) policies and procedures pertaining to the housing and detention of gays, lesbians, and transgender persons as outlined in ICE's national detention standards; and 2) policies and procedures pertaining to the housing and detention of gays, lesbians, and transgender persons as specified in the contract between ICE and the Management and Training Corporation detention facility, Willacy County Detention Center located at 1601 County Road 300 South Raymondville, TX 78580-4115. (Case Number 2011FOIA7470).
- On April 18, 2011, **Jack Julian** and **Fernande Devost**, reporters with **CBC News** in Halifax, Nova Scotia, requested from U.S. Customs and Border Protection (CBP) all records pertaining to the late Adolphe Joseph LeBlanc, a Roman Catholic Priest stopped at the U.S. - Canadian border

on or about August 3, 1941, with a boy hidden in the trunk of his car. (Case Number CBP FOIA 2011F10224).

- On April 6, 2011, **Jack Julian** and **Fernande Devost**, reporters with **CBC News** in Halifax, Nova Scotia, requested from the United States Citizenship and Immigration Services (USCIS) all records pertaining to an August 3, 1941 stop of Adolphe Joseph LeBlanc, a Canadian citizen, at the US Border. (Case Number COW2011000323).
- On April 18, 2011, **Polo Sandoval**, reporter with **KRGV-TV Channel 5 News** in Rio Grande Valley, Texas, requested from U.S. Customs and Border Protection (CBP) records relating to probable cause affidavits, criminal complaints, case files, and witness/suspect statements, specifically seeking the following: case material relative to alien apprehensions, illicit narcotics, weapons, undeclared money, or any other contraband seized during either or outbound inspection operations at the Laredo rail port of entry the 2010 fiscal year, and the 2011 fiscal year to date. (Case Number CBP FOIA 2011F10413).
- On April 19, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the current baseline data dictionary, all entity relationship diagrams, and all records describing the relational table structures for the ENFORCE Apprehension Booking Module (EABM), Release 9.24; 2) Wed-Enabled Automated Biometric Identification System (WebIDENT), Release 1.15 Contract No. HSHQDC-06-D-00032 Task Order No. HSCETC-08-J-00010; Investigative Systems Branch March 9, 2010, EVY00.10077-01.UA0-EDS. (Case Number 2011FOIA7480).
- On April 19, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records identifying all mandatory fields in the ENFORCE database system. (Case Number 2011FOIA7486).
- On April 19, 2011, **Conor Kennedy**, Appellate Advocacy Fellow and **Ginger McCall**, Associate Director of Open Government Project with **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) all contracts, proposals, and communications between the federal government and third parties, including, but not limited to, H.B. Gary Federal, Palantir Technologies, and/or Berico Technologies, and/or parent or subsidiary companies, that include provisions concerning the capability of social media monitoring technology to capture, store, aggregate, analyze, and/or match personally-identifiable information; 2) all contracts, proposals, and communications between DHS and any states, localities, tribes, territories, and foreign governments, and/or their agencies or subsidiaries, and/or any corporate entities, including but not limited to H.B. Gary Federal, Palantir Technologies, and/or Berico Technologies, regarding the implementation

of any social media monitoring initiative; 3) all documents used by DHS for internal training of staff and personnel regarding social media monitoring, including any correspondence and communications between DHS, internal staff and personnel, and/or privacy officers, regarding the receipt, use, and/or implementation of training and evaluation documents; 4) all documents detailing the technical specifications of social media monitoring software and analytic tools, including any security measures to protect records of collected information and analysis'; and 5) all documents concerning data breaches of records generated by social media monitoring technology. (Case Number DHS/OS/PRIV 11-0736).

- On April 19, 2011, **Michel Marizco**, a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) a copy of a training video on agent suicide produced by the CBP's El Paso Sector in 2010. (Case Number CBP FOIA 2011F10488 and DHS/OS/PRIV 11-0723).
- On April 18, 2011, **Michel Marizco**, a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) the number of corruption investigations involving CBP and U.S. Immigration and Customs Enforcement (ICE) employees opened by Office of Inspector General (OIG) in California, Arizona, New Mexico, Nevada and Texas during calendar years 2008 - 2010. (Case Number OIG FOIA #2011-105).
- On April 19, 2011, **Michel Marizco**, a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from the Department of Homeland Security (DHS) all records of suicides of U.S. Customs and Border Protection (CBP) agents and inspectors since 2006, including, but not limited to: name of the agent, location of the port or sector the agent was assigned to, date of the suicide, specific CBP division within which the agent worked, specific duties of the agent. (Case Number DHS/OS/PRIV 11-0722).
- On April 19, 2011, **Danny Ramos**, Executive Assistant to the CEO from **Allied Artists International, Inc.**, in Hacienda Heights, California, requested from the United States Citizenship and Immigration Services (USCIS) all documents, applications and/or reports relating to deceased singing artist Andrew Roy Gibb (a.k.a. Andy Gibb). (Case Number HQS2011000067).
- On April 19, 2011, **Sean Riordan**, a staff attorney with the **American Civil Liberties Union** in San Diego, California, requested from U.S. Customs and Border Protection (CBP) all records regarding regulations affecting aliens' access to counsel and circumstances surrounding their detainment. (Case Number CBP FOIA 2011F10489).
- On April 20, 2011, **John Althen**, the FOIA Program Manager with **Judicial Watch, Inc.**, in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) any and all records of the April 19, 2011 meeting at the White House concerning immigration reform, attended by Secretary of Homeland Security Janet Napolitano; 2)

any and all records of communications concerning the April 19, 2011 meeting at the White House; 3) any and all records created or obtained in preparation for the April 19, 2011 White House meeting, including but not limited to records concerning potential invitees to the meeting; and 4) any and all records created or obtained as a result of the April 19, 2011 meeting at the White House. (Case Number DHS/OS/PRIV 11-0735).

- On April 20, 2011, **John Althen**, the FOIA Program Manager with **Judicial Watch, Inc.**, in Washington, DC, requested from U.S. **Customs and Border Protection (CBP)** the following records: 1) documents related to all bid solicitations, contract awards, blanket purchase agreements and purchase orders for less lethal weapons, launching systems and ammunition (including, but not limited to, FN 303 launching systems, Pepperball launching systems and less lethal, shotgun-fired projectiles) announced or awarded between January 1, 2007 and the date of compliance with this request; 2) documents related to all instances in which a Border Patrol Agent fired a less lethal weapon system (including the firing of less lethal, shotgun-fired projectiles) in the course of his or her official duties, other than in a training environment, between January 1, 2007 and the date of compliance with this request; and 3) documents related to the guidance, instruction and direction provided to Border Patrol Agents regarding the use of less lethal weapon (including the use of less lethal, shotgun-fired projectiles) and all records of communication regarding the drafting, review, and issuance of this guidance, instruction, and direction between January 1, 2007 and the date of compliance with this request. (Case Number FOIA 2011F10499).
- On April 20, 2011, **Samuel Murillo**, a journalist with **La Voz Arizona, Arizona Republic** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the report regarding an individual who is hospitalized at St. Joseph Medical Center in Phoenix, after several injuries allegedly suffered after an incident on March 31, 2011 with CBP officers at the San Luis, Arizona Port of entry. (Case Number CBP FOIA 2011F10439).
- On April 20, 2011, **Mark Whetstone**, President of **American Federation of Government Employees, AFL-CIO Local 3928** in Lincoln, Nebraska, requested from the United States Citizenship and Immigration Services (USCIS) copies of eligible applicants' resumes, rankings/scores, ranking and scores related to interviews, ranking and scores related to personal references and all correspondence relating to vacancy CIS-423825-NSC. (Case Number HQS2011000068).
- On April 20, 2011, **Mark Whetstone**, President of **American Federation of Government Employees, AFL-CIO Local 3928** in Lincoln, Nebraska, requested from the United States Citizenship and Immigration Services (USCIS) copies of eligible applicants resumes, rankings/scores, ranking and scores related to interviews, ranking and scores related to personal references and all correspondence relating to vacancy CIS-PJN-352577-FDS. (Case Number HQS2011000069).

- On April 21, 2011, **Shawn Hils**, a representative of the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) all direct correspondence between U.S. Representative Dean Heller (R-NV-2) or his staff and DHS, including letters, reports, requests, and other relevant material from January 1, 2006 - present. (Case Number 11-0739).

Late Requests

- On March 22, 2011, **Anjan Mukherjee**, a representative of the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding U.S. Senator Scott Brown (R-MA) from February 4, 2010 to the present. (Case Number 2011FOIA7183).
- On April 1, 2011, **Mark Fleming**, National Litigation Coordinator for the **National Immigrant Justice Center** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) copies of existing intergovernmental service agreements (“IGSAs”) entered into by Department Homeland Security (DHS)/ICE, the U.S. Marshals Service, the Office of the Federal Detention Trustee of any other federal government entity to house immigrant detainees at the (1) Jefferson County Jail located in Mount Vernon, Jefferson County, Illinois and (2) the Tri-County Detention Center located in Ullin, Pulaski County, Illinois; and 2) copies of detention facility reviews, audits, and inspections conducted by ICE/ERO or by any private entity contracted by ICE/ERO, such as the Nakamoto Group of the 1) Jefferson County Jail, and 2) Tri-County Detention Center, in fiscal years 2007, 2008, 2009, 2010, and 2011. (Case Number 2011FOIA7124).
- On April 4, 2011, **Vicki Hart**, a journalist with the **Tucson Weekly** in Tucson, Arizona, requested from U.S. Immigration and Customs Enforcement records relating to the deportation history of a Mexican citizen wanted for the murder of Martha Flores on March 14, 2008. (Case Number 2011FOIA7246).
- On April 5, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of “augmented” FOIA logs on interim and final responses issued from March 15, 2011 through March 31, 2011. (Case Number 2011FOIA7222).
- On April 6, 2011, **Ross Weinstein**, a representative from **George Washington University, School of Public Health and Health Services** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) copies of health care worker certificates submitted to USCIS by the Foreign Credentialing Commission on Physical Therapy (FCCPT). (Case number COW2011000314)
- On April 11, 2011, **Tony D’Astoli**, a journalist with **FOX 13-WTVT** in Tampa, Florida, requested from U.S. Immigration and Customs

Enforcement (ICE) a list of all aliens in Florida that have been placed on an Order of Supervision, the offense they were serving time for, the date the Order of Supervision was started and the facility they were released from. (Case Number 2011FOIA7354).

- On April 12, 2011, **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the following records: 1) any and all correspondence, including but not limited to email, letters, meeting records, etc, regarding immigration case dismissals and/or prosecutorial guidance from June 1, 2010 to present; and 2) any and all correspondence regarding the case dismissals and/or prosecutorial guidance involving several identified ICE employees and leadership from June 1, 2010 to present. (Case Number 2011FOIA7365)
- [REQUESTED COMPONENT SEND E-COPY OF REQUEST] On April 13, 2011, **Rebekah Cowell**, a freelance contributor with **Independent Weekly** in Durham, North Carolina, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all correspondence since November 2008 between city staff of the following North Carolina counties: Wake County; New Hanover County;;Buncombe County;;Gaston County; Henderson County and ICE regarding the federal agency's activities in city facilities. (Case Number 2011FOIA7424).

III. FOIA Releases

- On April 5, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **M.L. Elrick**, a reporter with the **Detroit Free Press** in Detroit, Michigan, a no records determination in response to their request seeking all material related to Detroit ICE's investigation of (b)(6) who was convicted of dealing ecstasy in the city of Detroit. (Case Number 2011FOIA6028).
- On April 7, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, 100 pages of documents and three spreadsheets that originated from ICE's Chief Counsel Offices in Houston pertaining to her request seeking records relating to immigration case dismissals and prosecutorial guidance from ICE Offices within Houston, Texas, between June 1, 2010 and the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2011FOIA324).
- On April 7, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Angela Turner**, a reporter with **The Journal Gazette** in Fort Wayne, Indiana, one (1) page pertaining to her request seeking records relating to the number of criminal aliens whose deportation process began in Indiana from October 1, 2005 through the present. These records were released in full. (Case Number 2011FOIA2612).
- On April 8, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Theodore Emery**, an editor with the **Congressional Quarterly**

in Washington, DC, a no record determination pertaining to his request seeking copies of any and all memoranda to or from Director John Morton regarding guidance for proposed, recommended, or final administration policy changes at ICE with respect to immigration enforcement and removal policy. (Case Number 2011FOIA2674).

- On April 8, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with **The Atlanta Journal-Constitution** in Atlanta, Georgia, 89 pages responsive to his request seeking all 2009 and 2010 inspections, audits, annual reviews, detention center compliance reviews, detention standards reviews of the Irwin County Detention Center in Georgia. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA4264).
- On April 13, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Shannon Dininny**, a reporter with *The Associated Press* in Yakima, Washington, a full denial to her request seeking the number of officers and other staff members involved with the January 20, 2011 arrest in Ellensburg, Washington, related to an investigation into counterfeit citizenship documents. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA5068).
- On April 15, 2011, the Office of Inspector General (OIG) released to **Amrit Singh**, the senior legal officer for National Security and Counterterrorism at the **Open Society Justice Initiative** in New York, New York, 171 pages of work papers pertaining to OIG's inspection #OIG-08-18, entitled "The Removal of a Canadian Citizen to Syria." Portions of this response were withheld pursuant to FOIA exemptions (b)(1), (b)(5), (b)(6), and (b)(7)(C). (Case Number OIG #2010-187).
- On April 15, 2011, U.S. Customs and Border Protection (CBP) released to Cori Crider, Legal Director with Reprieve in London, United Kingdom, 21 pages consisting of TECS records. Portions of this response were withheld pursuant to FOIA exemptions (b)(3), (b)(6), (b)(7)(C) and (b)(7)(E). An additional 24 pages were referred to the Federal Bureau of Investigation (FBI) for review and potential release with similar exemptions. (Case Number DHS/OS/PRIV 10-0879).
- On March 16, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, Co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, 17 pages responsive to her request seeking records relating to the FOIA request tracking system. These records were released in full. (Case Number 2011FOIA6719).
- On March 17, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Keegan Hamilton**, a blogger with the **Seattle Weekly** in Seattle, Washington, a full denial to his request seeking all search warrants, arrest warrants, and search warrant affidavits related to the ICE investigation into the manufacture and purchase of counterfeit identity and employment documents in Ellensburg, Washington, on January 20, 2011. These pages

were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA6024).

- On March 18, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Martha Mendoza**, a reporter with *The Associated Press* in Santa Cruz, California, a full denial to her request seeking records relating to the murder of 72 immigrants in Mexico's northern state of Tamaulipas on or about August 25, 2010. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA5917)
- On April 19, 2011, the United States Coast Guard (USCG) released to **Laura Strickler**, a producer for CBS News in Washington, DC, 2 pages responsive to her request seeking records related to a 27-foot National Oceanic and Atmospheric Administration (NOAA) law enforcement vessel that was inspected by the USCG in 2008 and is currently located in Seattle, Washington. (Case Number 2011FOIA1375).
- On April 19, 2011, the United States Coast Guard (USCG) released to **Matt Jenkins**, a writer for **High Country News** in Berkeley, California, 433 pages of material consisting of boardings, enforcements, and investigation reports. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number 2009FOIA0344).
- On April 19, 2011, the United States Coast Guard (USCG) released to **Rachel Lippmann**, a news producer with the **St. Louis Public Radio** in St. Louis, Missouri, the activity number to the investigation and the link to the CGMIX website to review a copy of the document requested. These records were released in full. (Case Number 2011FOIA1795).
- On April 20, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with **The Atlanta Journal-Constitution** in Atlanta, Georgia, 11 pages responsive to his request seeking all contracts, agreements, or memoranda of understanding (MOUs) concerning the placement of ICE detainees at the Irwin County Detention Center in Georgia. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6). (Case Number 2011FOIA4265).
- On April 20, 2011, the Federal Emergency Management Agency (FEMA) recommended to the Department of State (DOS) full disclosure of 162 pages of documents responsive to the request from the **Department of Foreign Affairs Canada**, seeking the complete text of the Civil Assistance Plan signed by Canada and the United States on February 14, 2008. (Case Number DOS 200901979, DHS/OS/PRIV 11-0441, and FEMA 11-326).
- On April 21, 2011, United States Citizenship and Immigration Services (USCIS) released to **Thomas Dublin**, an individual in Brackney, Pennsylvania, 90 pages responsive to his request seeking records pertaining to the legal disposition or settlement of a class action lawsuit filed in 1994 where African American employees from Immigration Naturalization Services (INS) filed a lawsuit against the agency claiming

systematic discrimination in the administration of the agency. These records were released in full. (Case Number NRC2009072083).

IV. FOIA Appeals

- On April 15, 2011, **Leon Howard**, a Staff Attorney with the **American Civil Liberties Union of New Mexico** in Albuquerque, New Mexico, appealed the response from U.S. Customs and Border Protection (CBP) denying his request for a fee waiver related to his request for documents pertaining to the policy and activities of the El Paso Sector Border Patrol within 100 and 25 miles of the U.S. – Mexico border.
- On April 20, 2011, **Andrew Becker**, a Staff Reporter at the **Center for Investigative Reporting** in Berkeley, California, appealed the response from U.S. Customs and Border Protection (CBP) to his request for official photographs of forty-one (41) CBP employees who had been arrested, charged, convicted, and/or sentenced on corruption-related charges from 2003 to present.

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Judicial Watch, Inc., v. United States Department of Homeland Security*, (1-11-cv-00606-GK), Plaintiff filed a complaint March 23, 2011, claiming constructive denial to their request for records relating to deferred action. ICE is seeking a 30-day extension to file the answer, which would allow them time to complete the processing of all responsive records and send them to the requestor before filing our answer.
- In the matter of *Judicial Watch v. United States Department of Homeland Security*, (D.D.C. 11-CV-604), Plaintiff filed a complaint March 23, 2011, claiming constructive denial to their request for records relating to the systematic review of pending immigration cases in Houston, Texas. ICE is seeking a 30-day extension to file the answer, which would allow them time to complete the review of the already-processed responsive records and send them to the Plaintiff before filing our answer.
- In the matter of *Judicial Watch, Inc., v. United States Department of Homeland Security*, (1-11-cv-00725), Plaintiff filed a complaint April 14, 2011, claiming constructive denial to their request for records relating to the Carlos Marinelly-Mantano, an unlawfully present alien charged with killing a Benedictine nun and injuring two others in an August 2010 drunk driving incident in Prince William County, Virginia.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.* (S.D.N.Y. 10-3488), (Secure Communities Case): ICE is processing I-213 narratives and working to produce a document containing corresponding data for a data sample of several

hundred individuals identified through the CAP and Secure Communities programs for the plaintiffs. A hearing was held on April 21, 2011, on ICE's motion for a stay of the Court's order on metadata pending appeal to the 2nd Circuit.

- In the matter of *Families for Freedom v. ICE*, (S.D.N.Y. 10-8354), U.S. Immigration and Customs Enforcement (ICE) has completed the processing of a spreadsheet containing anonymous data on every alien detained in the New York area of responsibility from 2004 through 2010. This spreadsheet will be provided to the plaintiffs in accordance with a settlement agreement that will be sent to the Court for approval on Friday, April 22, 2011, once that agreement is approved.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 22 - 28, 2011

Privacy Office

May 2, 2011

Weekly FOIA Report

I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On April 21, 2011, United States Citizenship and Immigration Services (USCIS) invited stakeholders to participate in a teleconference to discuss issues affecting refugees, asylees, and other noncitizens. In part one, USCIS, the Social Security Administration (SSA), and the Department of Health and Human Services (HHS) discussed the expiration of Supplemental Security Income (SSI) benefits refugees and other noncitizens, identified available citizenship preparation resources, and explored ways to disseminate information to the affected population. In part two, USCIS, U.S. Customs and Border Protection (CBP), and the Department of State (DOS) outlined their respective roles in the derivative refugee and asylee immigration process and discussed how benefit-granting agencies verify the immigration status of these individuals. A detailed executive summary will be available at a later time.
- On April 22, 2011, United States Citizenship and Immigration Services (USCIS) posted the policy memorandum entitled "Procedures for Recommending Revocation of a U.S. Passport to the Department of State; Adjudicators Field Manual, Chapter 83 (AFM Update AD 10-46)" on its public website for stakeholder review and comment. The purpose of this memorandum is to provide guidance to USCIS employees regarding requests for revocation of U.S. Passports, as established by communication from the Department of State (DOS). The period for comments ends May 5, 2011.

II. **FOIA Requests**

- On April 22, 2011, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) a list of all current and former contractors, subcontractors, rehired annuitants and/or other individuals who work on contracts for ICE as part of the Secure Communities program, including: 1) the date the contractor/subcontractor/rehired annuitant/other individual; 2) the monetary value of the contract or agreement awarded; the length of the contract awarded; 3) the award/contract number; 4) the date the contract ended or was terminated; and 5) the reason why the contract ended or was terminated. (Case Number 2011FOIA7590)
- On April 25, 2011, **Juan O. Tamayo**, a reporter with the ***Miami Herald*** in Miami, Florida, requested from the United States Coast Guard (USCG) a copy of all entries in the log of the USCG's 7th District based in Miami, of the tugboat MUHEET and the barges it was towing when its motor stopped and began drifting near Cuban waters from the period of

November 26, 2010 to December 11, 2010. (Case Number 2011FOIA2231).

- On April 26, 2011, **Lewis Kamb**, a reporter with *The (Tacoma) News Tribune* in Tacoma, Washington, requested the following from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) access to and copies of any and all emergency, contingency and/or evacuation plans for the Northwest Detention Center; 2) a contractor-owned/contractor-operated, immigration detention facility located in Tacoma, Washington, as referenced in the ICE/DRO Detention Standard, since January 1, 2004 to the present date; 3) any and all Memoranda of Understanding (MOU), written agreements and/or contracts between the Northwest Detention, Center, its current and/or past operator/owners and/or ICE/DRO, with any and all local, state and federal law enforcement agencies, as referenced in the ICE/DRO Detention Standard, from January 1, 2000 to the present date; and 4) any and all contracts, RFPs, RFQs, bid proposals, bid solicitation, bid applications, contract performance work statements and/or any and all other records related to the solicitation, procurement and/or award of federal contracts regarding immigration detention operations in Washington State from January 1, 2000 to the present date. (Case Number 2011FOIA7593).
- On April 26, 2011, **Susan Carroll**, a reporter with the *Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records of complaints/offenses and disciplinary outcomes by GS level, listing the offense and the resulting corrective/disciplinary action. (Case Number 2011FOIA7597).
- On April 26, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding numerous ENFORCE (EID) detention facilities related tables. (Case Number 2011FOIA7600).
- On April 27, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) alien-by-alien anonymous data covering all individuals against whom the Department of Homeland Security (DHS) has filed charges in Immigration Court. (Case Number 2011FOIA7607).
- On April 26, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) alien-by-alien, detention facility-by-detention facility, anonymous data covering all individuals who have been detained, released, or were in ICE custody since October 1, 1998. (Case Number 2011FOIA7601).
- On April 26, 2011, **Ruthie Epstein**, with **Human Rights First** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a detailed demographic breakdown of the ICE detainee

population for “any single day” in calendar year 2011. (Case Number 2011FOIA7604).

- On April 27, 2011, **Jeff McDonald**, a staff writer with *The San Diego Union-Tribune* in San Diego, California, requested from U.S. Customs and Border Protection (CBP) copies of any letters, demands for payment, notices of debt, improper tariff classifications, settlement agreements or other records sent by CBP to Directed Electronics, Inc., DEI Headquarters Inc., or DEI Holdings Inc., since January 1, 2010. (Case Number CBP FOIA # 2011F10811).
- On April 27, 2011, **Catherine Rentz**, a journalist with *PBS Frontline* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the results of the ICE report looking into alleged misconduct and abuse at the Willacy Detention Center in Raymondville, Texas. (Case Number 2011FOIA7608). This request is a follow up from an April 1, 2011 interview with Kumar Kibble.

Late Requests

- On April 4, 2011, **Jefferson Morley**, an author in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) any and all files or record relating to George E. Joannides and the Directorio Revolucionario Estudiantil between December 1962 and April 1964. (Case Number COW2011000335).
- On April 5, 2011, **Leah Nysten**, a reporter with *Bloomberg News* in Washington, DC, requested from the United States Citizenship Services (USCIS) the solicitation of statement of work under the GSA’s Network Universal contract and the subsequent GAO bid protest B-404845.1. (Case Number CNT2011000019).
- On April 7, 2011, **Robin Stein**, a reporter with *Dan Rather Reports* in New York, New York, requested from the United States Citizenship Services (USCIS) the following records: 1) case data for non-immigrant worker visa petitions from 2005 – present; 2) application data for employment authorization from 2005 – present; and 3) any and all records related to the review of L visa abuse by the Fraud Detection and National Security directorate cited by Senator Chuck Grassley (R-IA) in his letter to DHS Secretary Napolitano on May 27, 2010. (Case Number COW2011000332).
- On April 11, 2011, **Meg Stalcup**, a reporter with the *Washington Monthly* in Washington, DC, requested from the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. (Case Number CRCL 11-04-01).
- On April 12, 2011, **Mike McIntire**, a reporter with the *New York Times* in Washington, D.C., requested from the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) copies of any records as they pertain to a 2005 Federal Law Enforcement

Training Center (FLETC) EEO course investigation. (Case Number CRCL 11-04-02).

- On April 13, 2011, **Shawn Hills**, a researcher with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) all correspondence and other information requested by or provided to U.S. Representative Dean Heller (R-NV-2) from January 4, 2006 – Present. (Case Number COW2011000336).

III. FOIA Releases

- On April 22, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, a no records determination to her request seeking any documents/records/memos/reports, etc to or from David C. Palmatier regarding staffing, resources and/or technical (including IT) issues for ICE's Law Enforcement Support Center (LESC) from October 1, 2008. (Case Number 2011FOIA5842).
- On April 22, 2011, the United States Coast Guard (USCG) released to **Lucy Dalglish**, Executive Director with the **Reporters Committee for Freedom of the Press** in Arlington, Virginia, 63 pages of material consisting of emails, letters, rules, and memos responsive to her request seeking: 1) all documents reflecting and/or memorializing the new procedures for media access to boom safety zones established by Admiral Thad Allen's July 12, 2010 statement; 2) all documents detailing procedures and/or standards employed by government or private officials for media credentialing under the new procedures for access to boom safety areas announced by Admiral Thad Allen on July 12, 2010; 3) all documents received and/or generated regarding applications to receive a media credential under as well as all documents generated in response to all such applications, including but not limited to, documents detailing denials or grants of applications; and 4) a complete and accurate sample copy of all versions of any media credential intended to be issued to the media in accordance with the revised media access policy announced July 12, 2010. Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number 2010FOIA2827).
- On April 26, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **David Shapiro**, a staff attorney with the **American Civil Liberties Union (ACLU) National Prison Project** in Washington, DC, 113 pages of documents that originated from the OPR JICMS database relating to his request seeking records regarding allegations of sexual abuse against immigration detainees. Portions of the release were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). ICE continues to process documents and will release records on a rolling basis. (Case Number 2011FOIA4893).
- On April 28, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jennifer Caballero**, a student with the **Georgetown**

University Law Center in Washington, DC, 349 pages of records pertaining to her request seeking various information relating to ICE detainees. Portions of the release were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number 2011FOIA1816).

- On April 28, 2011, the Office of Inspector General (OIG) released to **Tania Galloni**, an attorney with the **Florida Immigrant Advocacy Center, Inc.**, in Miami, Florida, 26 pages and includes an OIG report of investigation. Portions of the release were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). Please note that these records were also originally released in OIG's response to David Shapiro, of the ACLU (OIG FOIA #2010-028).
- On April 28, 2011, Office of Inspector General (OIG) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, 2 Excel worksheets responsive to his request seeking a statistical breakdown, by FY, state, and agency of all criminal investigations related to U.S. Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE) from 2003 to present, including a breakdown of investigations leading to arrests, indictments, and convictions. These records were released in full. (Case Number 2011-100).
- On April 29, 2011, the Department of Homeland Security (DHS) Office for Civil Rights & Civil Liberties (CRCL) released to **Mike McIntire**, a writer with *The New York Times* in New York, New York, 54 pages of records responsive to his request seeking copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number CRCL 11-04-002).
- On April 29, 2011, the Department of Homeland Security (DHS) Office for Civil Rights & Civil Liberties (CRCL) released to **Meg Stalcup**, a writer with the *Washington Monthly* in Seattle, Washington, 54 pages of records responsive to her request seeking copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number CRCL 11-04-001).

IV. FOIA Appeals

- On April 7, 2011, **Karen Tumlin**, Managing Attorney with the **National Immigration Law Center** in Los Angeles, California, appealed the response from U.S. Customs and Border Protection (CBP) denying her requests for fee waiver, news media status, and expedited treatment related to her FOIA request # 2011F060200 for documents pertaining to CBP's efforts to question, fingerprint, and process undocumented immigrants

voluntarily leaving the United States and returning to Mexico. (Case Number H162138).

V. FOIA Appeal Releases and Determinations

- On April 28, 2011, U.S. Customs and Border Protection (CBP) released to **David Nachman**, an attorney with **DLA Piper** in New York, New York, representing the non-profit network Appleseed, 111 pages of policy documents related to his FOIA request #2010F06198 for various records related to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. Portions of this response were withheld pursuant to Freedom of Information Act exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number H145088MBP).
- On April 29, 2011, U.S. Customs and Border Protection (CBP) granted **Robert Deasy**, Liaison and Information Director for the **American Immigration Lawyers Association** in Washington, DC, a public interest fee waiver for the request related to his request for various statistics pertaining to the processing of individuals at the U.S. border. (Case Number H157732MBP).

VI. Lawsuits

- In the matter of *Rodriguez v. DOJ, et al.*, (D.D.C. 11-cv-00556), Plaintiff filed a complaint March 18, 2011, claiming constructive denial pertaining to their request for records relating to relating to himself. ICE did not receive the summons and complaint until April 26, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells